

STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS

REGULAR MEETING

Friday, October 6, 2006, 9:00 a.m.
Department of State Health Services
Exchange Building, Room S-402
8407 Wall Street
Austin, Texas 78754

MINUTES

Committee Members Present:

Ronald J. Ensweiler, President
Kenneth Earl, Vice-President
Richard Davila, II
Sara Garza
Rosemary Geraci
Audrey McDonald
Melissa Rodriguez

Committee Members Absent:

Ken Haesly
Jerome Kosoy, M.D.

DSHS Staff Present:

David Richards	Eileen Hartman
Joyce Parsons	Becky Evers
Stephen Mills	Stewart Myrick
Debbie Peterson	

Guests Present:

Ray Jones
Amy Trost
Joe Geraci
Ben Norris
John Westmoreland
Rep. Tracy King
Paul Jay
Scott Pospisil

Agenda Item 1 was the call to order by Mr. Ensweiler at 9:00 am.

Agenda Item 2 was the introduction members, staff, and guests.

Agenda Item 3 was public comment. Representative Tracy King addressed the committee regarding his co-chairmanship of a Sunset Committee formed by the Texas Hearing Aid Association and discussed the Sunset committee's make-up and goals. Rep. King requested that the state licensing committee not engage in further rulemaking until the Sunset review process is complete in 2009. Scott Pospisil from the Texas Hearing Aid Association spoke in support of Representative King's remarks. Ray Jones spoke about the definition of a manufacturer. John Westmoreland spoke in support of Representative King's remarks.

Agenda Item 4 was the review and approval of minutes from the committee meeting held on June 2, 2006. Mr. Earl made a motion to accept the minutes as amended. The motion was seconded and passed with one member abstaining.

Agenda Item 5 was the discussion and possible action regarding the subcommittee reports of meetings held on June 1, 2006.

Ms. Geraci gave the Complaints Subcommittee report. She reported that seven complaints were considered. The subcommittee proposed additional administrative penalties for three complaints, and four complaints were closed with no violation. Ms. Geraci made a motion to accept the report. The motion was seconded and passed unanimously.

Ms. Rodriguez gave the Continuing Education Subcommittee report. She reported that the subcommittee approved the application of International Hearing Society to be a non-manufacturer sponsor and approved the hours for their upcoming workshop. The subcommittee denied Amplifon's application to be a non-manufacturer sponsor and approved them as a manufacturer sponsor and asked them to resubmit their hours as such. Ms. Rodriguez made a motion to accept the report and the recommendation of the subcommittee regarding the continuing education requirement. Discussion ensued regarding the criteria used by the subcommittee to distinguish between a manufacturer and a non-manufacturer sponsor. The motion was seconded and passed with opposition.

Mr. Davila gave the Applications Subcommittee report. He reported that the subcommittee considered four applications for reciprocity. Mr. Davila reported that no action was taken on the application of Emilie Collins due to not meeting the initial qualification of being out-of-state, as set forth in the law. The application of John Driscoll was denied. The subcommittee also discussed the procedures for making appropriate forms available to apprentices at the end of their apprenticeship. Ms. Rodriguez reported that no action was taken on the application of Larry Anton due to not meeting the initial qualification of being out-of-state, as set forth in the law. She also reported that the subcommittee requested more information from Rachel Lingnau concerning her application. Mr. Davila made a motion to accept the report. The motion was seconded and passed unanimously.

Agenda Item 6 was the discussion and possible action concerning proposed amendments to 25 Texas Administrative Code, Chapter 141, including amendments to §141.16(b)(1) regarding client notification of end of 30-day trial period. **Agenda Item 7** was the discussion and possible action concerning proposed amendments to 25 Texas Administrative Code, Chapter 141, including amendments to §141.16 relating to audiometric testing and sound level measurements. **Agenda Item 8** was the discussion and possible action concerning proposed amendments to 25 Texas Administrative Code, Chapter 141, including amendments to §141.2 regarding definition of stationary acoustical enclosure. Ms. Geraci made a motion to table action on agenda items 7 and 8 until the (THAA) Sunset Review Committee can look at those issues. The motion was seconded and discussion ensued. The motion was amended by Ms. Geraci to defer action on agenda items 6, 7, and 8. The motion was seconded and passed with opposition.

Agenda Item 9 was the Committee Chair report. Mr. Ensweiler reported on refinements to the examination process.

Agenda Item 10 was the Executive Director report. Ms. Parsons reported on the new database and the status of the licensing program.

Agenda Item 11 was the management report from the Professional Licensing and Certification Unit, Texas Department of State Health Services. Ms. Peterson reported on the new assistant commissioner for regulatory

services, the criminal history audit from the State Auditor's Office, the Legislative Appropriations Request for the 2008-2009 biennium, and the committee budget.

Agenda Item 12 was the discussion and possible action concerning the DSHS Professional Licensing and Certification Unit draft policy regarding criminal history background checks and processing. Mr. Mills presented the draft policy. Mr. Davila made a motion to adopt and support the policy. The motion was seconded and passed unanimously.

Agenda Item 13 was the election of officers. Mr. Davila nominated Mr. Earl for the office of president, but Mr. Earl declined to accept the nomination. Mr. Earl nominated Mr. Ensweiler for the office of president. A motion was made, seconded, and passed unanimously to elect Mr. Ensweiler as committee president. Ms. Geraci nominated Mr. Earl for the office of vice-president. A motion was made, seconded, and passed unanimously to elect Mr. Earl as committee vice-president.

Agenda Item 14 was announcements and committee member comments not requiring committee action. Mr. Davila expressed disappointment in the committee's actions concerning rule changes. Mr. Earl expressed support for the committee's actions. Ms. Geraci suggested that the committee commend former committee member James McRae for his service to the committee at the next meeting.

Agenda Item 15 was the setting of the next meeting date. The next three meetings are tentatively set for February 8-10, June 14-16, and October 11-13, 2007

Agenda Item 16 was the adjournment of the meeting. Ms. Garza moved to adjourn. The motion was seconded and passed unanimously at 10:53 am.

Approved by the committee on February 9, 2007
Ronald Ensweiler, President
Joyce Parsons, Executive Director